

NOTICE OF ENACTMENT OF
AMENDMENT TO DARIEN'S
CODE OF ORDINANCES

Chapter 5, Article 1, Sections 5-1 through 5-14 of the Code of Ordinances, Town of Darien, Connecticut is hereby created to read as follows:

Article 1: ALARM SYSTEMS*

***State law references:** Authority to regulate alarm systems, G.S. § 7-148(c)(7)(H)(xiv).

Sec. 5-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm administrator: means a person or persons designated by the first selectman, or their designee, who shall administer and enforce the terms and provisions of this article.

Alarm company: means a person who sells, leases, assigns, lends, installs, maintains, services, repairs, alters, moves or replaces alarm systems.

Alarm owner: means the owner of any premises in which an alarm system is used, provided that an occupant who expressly accepts responsibility for an alarm system by registration pursuant to the provisions of this article shall be deemed the alarm owner.

Alarm system: means any device that is installed for the purpose of detecting emergencies, transmits a signal to a monitoring company that relays information to the emergency communication center or produces an audible or visible signal to which the police or fire department is expected to respond. Specifically excluded from this definition and the scope of this article are devices which are designed to alert or signal only persons within the premises in which the device is installed.

Automatic telephone dialing alarm system: means an alarm system which automatically sends a prerecorded voice message or coded signal over public telephone lines.

Contractor: means any person regularly offering to the general public construction services as defined by General Statutes.

Emergency communication center: means the facility established and maintained by the town to receive emergency alarms and calls to dispatch emergency personnel to respond thereto.

Emergency personnel: means police, fire and medical personnel.

False fire alarm: means the activation of an alarm system to which fire department personnel are dispatched to respond and which is not caused by a fire or an actual emergency. For purposes of sections 5-7 and 5-8, once fire department personnel are dispatched to the alarm, it shall be considered a false fire alarm.

False police alarm: means the activation of an alarm system to which police department personnel respond, such as burglar alarms, duress alarms, holdup alarms, intrusion alarms and panic alarms, and which is not caused by a criminal act or an actual emergency. For purposes of sections 5-7 and 5-8, once police arrive at the alarm site, it shall be considered a false police alarm.

Fire officer-in-charge: means a member serving in the capacity of fire officer-in-charge as defined by G.S. § 7-313e.

Keyholder: means a person authorized by the alarm owner to enter, and permit emergency personnel to enter, the alarm owner's premises.

Monitoring company: means a company responsible for receiving alarm signals from remote locations, monitoring those signals and relaying alarm information to the emergency communication center.

Verify: means an attempt by a monitoring company to determine if the alarm is known to be false by contacting the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made.

(Code 1972, § 20-2; Amd. of 9-24-2001)

Sec. 5-2. Purpose.

The purpose of this article is to reduce false alarms in the town by having alarm owners take steps to prevent false alarms. These actions include installing proper equipment appropriately; operating the alarm systems to minimize false alarms; maintaining the alarm system; having monitoring companies verify false alarms; and canceling alarms that are determined to be false.

(Code 1972, § 20-1; Amd. of 9-24-2001)

Sec. 5-3. Registration by alarm owners.

(a) In addition to the state building permit requirement for new or modified alarm systems, every fire alarm owner shall register their fire alarm system with the alarm administrator no later than January 1, 2002, or prior to use.

(b) Every police alarm owner shall register their police alarm system with the alarm administrator no later than January 1, 2009, or prior to use.

(c) Registration shall be accomplished by completing a form provided by the alarm administrator. Such registration form shall set forth, at a minimum, the name, address and telephone number of the alarm owner and such other information required by alarm administrator.

(d) It shall be the responsibility of each alarm owner to notify the alarm administrator of changes in the registration information.

(Code 1972, § 20-3; Amd. of 9-24-2001)

Sec. 5-4. Automatic telephone dialing alarm systems.

Automatic telephone dialing alarm systems that send messages directly to the emergency communication center are prohibited.

(Code 1972, § 20-6; Amd. of 9-24-2001)

Sec. 5-5. Exterior audible alarms.

Except as otherwise provided by law, no alarm system that produces an exterior audible alarm shall be installed or maintained unless the exterior audible alarm automatically deactivates within a period of 15 minutes.

(Code 1972, § 20-7; Amd. of 9-24-2001)

Sec. 5-6. Auxiliary power sources.

Every alarm system installed after the effective date of the ordinance from which this chapter is derived shall have its own auxiliary power source. All auxiliary power sources including, but not limited to, those installed prior to the effective date of the ordinance from which this chapter is derived shall be maintained in good working order.

(Code 1972, § 20-8; Amd. of 9-24-2001)

Sec. 5-7. Reporting of false alarms.

(a) For false fire alarms, the fire officer-in-charge shall report false fire alarms to the alarm administrator. The report shall include, among other things, whether the false fire alarm occurred while a contractor was present.

(b) For false police alarms, the responding officer shall record the false alarm designation into the police records system.

(c) It shall be the responsibility of the monitoring company to notify the alarm owner or their designee whenever the monitoring company reports an alarm activation to the emergency communication center.

(Code 1972, § 20-9; Amd. of 9-24-2001)

Sec. 5-8. Fines and charges.

Alarm owners shall be subject to the fine or charge shown below for each such act, which fine or charge shall be paid within 30 days. Alarm owners are subject to the false alarm fine for each false alarm from their alarm system.

(a) False alarm, \$100.00 fine.

(b) Use of an automatic telephone dialing alarm system directly to the emergency communications center, \$100.00 fine.

(c) Failure of an alarm owner, to register, \$100.00 fine.

(d) Use of an exterior audible alarm system except as provided in section 5-5, \$25.00 fine.

(e) Failure to install or maintain an auxiliary power source as required in section 5-6, \$25.00 fine.

(f) Failure to make timely payment of fines or charges, \$25.00 late fee and an 18 percent per annum interest charge.

(Code 1972, § 20-10; Amd. of 9-24-2001)

State law references: Penalty for ordinance violations, G.S. § 7-148(c)(10(A)).

Sec. 5-9 Alarm appeals.

(a) Within thirty days after mailing notice of any fine hereunder, the alarm owner may file a written complaint with the alarm administrator to show that the alarm fine was improperly issued within the meaning of this article.

(b) The alarm administrator shall consider all such information, reaffirm or rescind the alarm fine based on the use of reasonable judgment and notify the alarm owner of the decision by mail.

(c) No later than thirty days after the mailing of such notice, the alarm owner may file a written appeal with alarm administrator to challenge the basis for the alarm administrator's decision. The First Selectman shall designate an alarm appeal hearing officer to hear such appeal.

(d) Upon receipt of a timely appeal, the alarm appeal hearing officer shall hold a hearing to consider the appeal and shall mail notice of the time and place of said hearing to the alarm owner taking the appeal at least fifteen days before the hearing. On the basis of information provided by the alarm owner and other information introduced at the hearing, the alarm appeal hearing officer shall affirm the action or decision of the alarm administrator if it finds that such action or decision was properly imposed, or it may rescind the action or decision if it finds the action or decision was improper and without a reasonable basis.

Sec. 5-10. Lien on property.

Any person or entity who has a judgment entered against him for more than \$1,000.00, is subject to a lien on his property for the amount of the judgment plus fees and costs, as provided by the General Statutes.

(Code 1972, § 20-11; Amd. of 9-24-2001)

Sec. 5-11. Town fire services.

Payments received under section 5-8 for false fire alarms shall be credited to a separate account to be used to improve the fire services.

(Code 1972, § 20-12; Amd. of 9-24-2001)

Sec. 5-12. Town police service.

Payments received under section 5-8 for false police alarms shall be credited to a separate account to be used to improve the police service.

Sec. 5-13. Liability.

Except as expressly provided in this article, the town, its departments, officers, agents and employees shall be under no obligation whatsoever regarding the adequacy, operation or maintenance of any alarm system, alarm company or monitoring company or responding facility of the Town. No liability whatsoever is assumed for the failure of any such alarm system, alarm company or monitoring company to perform, or for any act or omission in connection with such alarm systems, alarm companies or monitoring companies or responding facilities of the Town. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from any and all liabilities and responsibilities in connection with any alarm system, including the use, installation or operation of any alarm system, regardless of registration status.

(Code 1972, § 20-14; Amd. of 9-24-2001)

Sec. 5-14. Effective date.

This ordinance and the repeal of Sections 26-81 through Sections 26-94 of the Code of Ordinances are effective as of January 1, 2009.

Chapter 5, Article 1, Sections 5-1 through 5-14 of the Code of Ordinances, Town of Darien, Connecticut is hereby created to read as follows:

Article IV of Chapter 26, Sections 26-81 through Sections 26-94 are repealed effective January 1, 2009.

By direction of the Representative Town Meeting held May 12, 2008.

Dated at Darien, Connecticut this 13th day of May, 2008

Donna E. Rajczewski
Town Clerk